

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**UNITED STATES OF AMERICA**

v.

**JOHN ERIC MILLER,**

Defendant.

)  
)  
) Case No. 1:07CR00044  
)

) **FINAL ORDER**  
)

) By: James P. Jones  
) United States District Judge  
)

For the reasons stated in the Opinion accompanying this Order, it is **ORDERED** that the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 57) is DENIED; and the Motion for Resentencing Pursuant to Rule 60(b)(6) (ECF No. 56) is DENIED as moot. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, it is further **ORDERED** that a certificate of appealability is DENIED.

ENTER: July 12, 2017

/s/ James P. Jones  
United States District Judge